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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,857	08/30/2001	Franco Montebovi	006559.00021	7547
22907	7590	02/27/2006	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/941,857

Applicant(s)

MONTEBOVI, FRANCO

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 28, 2005 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim(s) 1-15** are rejected under 35 U.S.C. 102(e) as being anticipated by Smethers (US 6,463,304 B2).

Regarding **claim(s) 1, 12 and 13**, Smethers discloses a mobile telecommunications device including a housing a microphone, an earpiece, a display screen mounted in the housing, a plurality of keys mounted on the housing and individually depressible by a user for performing telephony operations, radio circuitry (column 3, lines 22-35), and a processor operable to provide a browser for navigating between different pages and displaying information therefrom on the display screen one of said plurality of keys (column 4, lines 48-60) being operable in a first mode comprising a first user depression sequence pattern to navigate between previously visited pages (column 6, lines 35-50) and operable in a second mode comprising a second user depression sequence pattern to provide a display of previously visited pages whereby to permit the user to select a page from the display of previously visited pages and navigate directly thereto (column 6, lines 23-30).

Regarding **claim(s) 2**, Smethers discloses a device, wherein the key is operable to navigate backwards through previously visited pages (column 4, lines 1-13).

Regarding **claim(s) 3**, Smethers discloses a device, wherein the key is operable to navigate forwardly through previously visited pages (column 4, lines 1-13).

Regarding **claim(s) 4**, Smethers discloses a device, wherein the first and second modes are selected by operating the key for relatively shorter and longer periods respectively (column 4, lines 19-41).

Regarding **claim(s) 5**, Smethers discloses a device, including a scrolling key operable to scroll a focus region through the display of previously visited pages for selecting one of the pages (column 6, lines 23-30).

Regarding **claim(s) 6**, Smethers discloses a device, including a further key for selecting a page from the previously visited pages display and so as to navigate directly then to (column 4, lines 19-41).

Regarding **claim(s) 7**, Smethers discloses a device and comprising a mobile telephone handset (column 3, lines 22-35).

Regarding **claim(s) 8**, Smethers discloses a device and comprising a PDA (column 3, lines 22-35).

Regarding **claim(s) 9**, Smethers discloses a device, wherein the display of the previously visited pages comprising a display of the previously visited pages whereby to permit the user to select one of the previously visited pages and navigate directly thereto (column 6, lines 23-30).

Regarding **claim(s) 11**, Smethers discloses a device, which is WAP enabled (column 3, lines 22-35).

Regarding **claim(s) 14**, Smethers discloses a device including a key to scroll a focus region between suitable menu options displayed on the browser, to permit navigation between different network addresses (column 6, lines 35-50).

Regarding **claim(s) 15**, Smethers discloses a method, wherein the first mode includes pressing the key for a first period of time and the second mode includes pressing the key for a second period of time, the second period of time greater than the first period of time (column 9, lines 9-32).

### ***Response to Arguments***

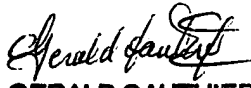
4. Applicant's arguments with respect to **claim(s) 1-15** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**GERALD GAUTHIER**  
**PATENT EXAMINER**

Gerald Gauthier  
Examiner  
Art Unit 2645

gg  
February 20, 2006